PTO/SB/08B (07-05)

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U.S. Patent and Tredemark Office; U.S. DEPARTMENT OF COMMERCE

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10000	ne for form 1449/P1	J		Application Number	10	1665,518	
INF	ORMATIC	N DIS	CLOSURE	Filing Date	Sept	ember 22, 2003	
(Use as many sheets as necessary)				First Named Inventor	Stam	ım	
				Art Unit	1615		
		Stieets 62 L	lecessary)	Examiner Name	Sheil	kh ,	
Sheet	1	of	9	Attorney Docket Number	Di	24620	

	 		
	:	NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²
·	1	Laboratoires Fournier undated document entitled "Fenofibrate Tablets 54-160 mg Dissolution Test Conditions Development Studies, Dissolution Test Specification Recommendations"	
ONS.	2	"Second Amended Answer, Affirmative Defenses, and Counterclaims" filed by Teva on 7-29-2005 in Abbott Laboratories et al v. Teva Pharmaceuticals USA, Inc. DE, CA No. 02-1512.	
	3	"First Amended Counterclaims" filed by Impax on 9-23-2005 in Abbott Laboratories et al v. Impax Laboratories, Inc., Delaware, CA No. 03-120-KAJ.	
	.4	"Amended Complaint" filed by CVS Pharmacy et al on 9-23-2005 in In Re TriCor Direct Purchaser Antitrust Litigation, Delaware, CA No. 05-340.	
	5	"Amended Complaint" filed by Walgreen Co. et al on 9-23-2005 in In Re TriCor Direct Purchaser Antitrust Litigation, Delaware, CA No. 05-340.	
	6	"Amended Complaint" filed by Painters' District Council No. 30 et al on 9-23-2005 in In Re TriCor Direct Purchaser Antitrust Litigation, Delaware, CA No. 05-340.	
	.7	"Amended Complaint" filed by Louisiana Wholesale Drug Co. et al on 10-3-2005 in In Re TriCor Direct Purchaser Antitrust Litigation, Delaware, CA No. 05-340.	
	8	"Defendant's Responses to Plaintiffs Interrogatories" filed by Impax on 8-6-2003 in Abbott Laboratories et al v. Impax Laboratories, Inc., Delaware, CA No. 03-120-KAJ.	
	. 9	"Amended Answer" filed by Impax on 1-4-2005 in Abbott Laboratories et al v. Impax Laboratories, Inc., Delaware, CA No. 03-120-KAJ.	
9/8	10	"Reply Memorandum" filed by Impax on 2-25-2005 in Abbott Laboratories et al v. Impax Laboratories, Inc., Delaware, CA No. 03-120-KAJ.	

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Examiner Signature	de	unean Mollik	Date Considered	7-24-06
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3005000	to lociom 1445/FTO			Application Number	10	1665,518
INF	ORMATION	DIS	CLOSURE	Filing Date	Septe	mber 22, 2003
STA	TEMENT B	Y A	PPLICANT	First Named Inventor	Stami	m
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	(Use as many she	912 92 N	ocessary)	Examiner Name	Sheik	th
Sheet	2	of	9	Attorney Docket Number	22	14620

		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²
0/8	11	"Memorandum Opinion" by District Judge Jordan dated 5-6-2005 in Abbott Laboratories et al v. Impax Laboratories, Inc., Delaware, CA No. 03-120-KAJ.	
	12	"Opening Brief in Support of Motion for Summary Judgment" by Teva filed on 12-23-2004 in Abbott Laboratories et al v. Teva Pharmaceuticals USA, Inc., Delaware, CA No. 02-1512.	
	13	"Opening Brief in Support of Motion for Summary Judgment" by Teva filed on 12-10-2004 in Abbott Laboratories et al v. Teva Pharmaceuticals USA, Inc., Delaware, CA No. 02-1512.	
	14	"Memorandum Opinion" by District Judge Jordan dated 5-6-2005 in Abbott Laboratories et al v. Teva Pharmaceuticals USA, Inc., Delaware, CA No. 02-1512.	
	15	Opposition to European Patent No. 1 273 293 filed 9-2-2005 by Ethypharm (French Language Docuement).	
	16	Opposition to Israel Patent No. 130790 filed 5-4-2005 by Teva; and Remarks in Response to Oppostion filed on 9-23-2005 (English language translations).	V
	17	Munoz et al, Atherosclerosis, 110(Suppl.):S45-S48 (1994).	
	18	Pharmaceutical Pelletization Technology, Marcel Dekker, Inc., Volume 37, pages 1-13; 160-161; and 234-235 (1989).	
	19	Modern Pharmaceutics, Third Edition, Marcel Dekker, Inc., apges 131-133 and 335-356 (1996).	
0/8	20	Pharmaceutical Dosage Forms, Tablets, Second Edition, Marcel Dekker, Inc., pages 5-28; 88-107; 133; 142; 160-165; and 260-267 (1989).	

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Substitute for form 1449/PTO	no dio raquiro de la companya de la	Complete If Known		
Substitute for twin 1445/F70	Application Number	10/665,518		
INFORMATION DISCLOSUR	E Filing Date	September 22, 2003		
STATEMENT BY APPLICAN	T First Named Inventor	Stamm .		
(Use as many sheets as necessary)	Art Unit	1615		
(Ose as many sheets as necessary)	Examiner Name	Sheikh		
Sheet 3 of 9	Attorney Docket Number	224620		

			NON PATENT LITERATURE DOCUMENTS	
Examiner Cite No.1			Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
Q 21		21	Shepherd Atherosclerosis, 110(Suppl.)S55-S63 (1994).	
		22	Adkins et al, Drugs, 54(4):615-633 (October 1997).	
		23	Letter from Teva/Novopharm to Fournier Pharma Inc. regarding Invalidity and Ambiguity of Canadian Patent Nos. 2,219,475 and 2,372,576 (pages 1-15)(September 19, 2005).	
		24	Declaration under 37 CFR 1.132 by Phillippe Reginault filed in US Application No. 10/288,425 on March 7, 2005.	
		25	Pharmaceutical Pelletization Technology, Ghebre-Sallassie, Ed., Marcel Dekker, Inc., New York, Chapters 7 and 10 (1989).	
		26	Handbook of Pharmaceutical Excipients, 2nd Ed., pages 48-87, 141-144, 229-232, 252-261, 280-282, 392-401, 424-427, 448-450, 462-469, 491-493 (1994).	
		27	Remington's Pharmaceutical Sciences, 18th Ed., pages 1633-1665 (1985).	
		28	European Pharmacopoeia, 3rd Ed., pages xiii-xvii and 127-131 (1996).	
		29	The United States Pharmacopoeia, Vol. 23, pages liv-lvi, 1791-1793, 1924-1938 (1994).	
Q/	S	30	CRC Handbook of Chemistry & Physics, 73rd Ed., Chapter 15, page 32 (1992).	

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Substitute for form 1445	/DTO		Complete if Known		
	3/F1 0		Application Number	10/665.518	
INFORMAT	ION DIS	CLOSURE	Filing Date	September 22, 2003	
STATEMEN	NT BY A	PPLICANT	First Named Inventor	Stamm	
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1036 83 111	any sneets es n	ocussary)	Examiner Name	Sheikh	
Sheet 4	of	9	Attorney Docket Number	224620	

			NON PATENT LITERATURE DOCUMENTS	
Examiner Cite No.1			Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
0	Q	31	Suzuki et al, Chem. Pharm. Bull., 49(4):373-378 (2001).	
		32	Shah et al, International Journal of Pharmaceutics, 125:99-106 (1995).	
		33	Giunchedi et al, International Journal of Pharmaceutics, 130:41-47 (1996).	
		34	Sangalli et al, Boll. Chim. Farmaceutico, 128(7-8):242-247 (1989).	
		35	Kuchiki et al, "Stable Solid Dispersion System Against Humidity," Yakuzaigaku, 44(1):31-37 (1984).	
		36	Guichard et al, "A New Formulation of Fenofibrate: Suprabioavailable Tablets," Current Medical Research and Opinion, 16(2):134-138 (2000).	
		37	Boullay, "Microgrinding and Dissolution," S.T.P. Pharma, 1(4):296-299 (1985). (French-language document and English language translation).	1
		38	International Dictionary of Medicine and Biology, Volume 2, page 1774, John Wiley & Sons, Inc. (1986).	
		39	Opposition to EP 952 829 by Winthrop Arzneimitel GmbH filed March 31, 2005.	
a	2	40	Opposition to EP 952 829 by Laboratoires SMB SA filed April 11, 2005.	

Examiner Signature	Nunera M. Recha	Date Considered	07-24-06

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STA	STATEMENT BY APPLICANT			First Named Inventor	Stamm	1	
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(Use as many sheets as necessary)			Examiner Name	Sheikh	1		
Sheet	5	of	9	Attorney Docket Number	22	1620	

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9/8	41	Papers filed on April 15, 2005, by Ethypharm in Response to Patent Proprietor's Statement of Opposition to EP 952 829.	
	42	Opposition to EP 0 952 829 by Ethypharm filed December 11, 2003.	1
	43	Handbook of Pharmaceutical Excipients, Second Edition, pages 392-399 (1994).	
	44	Complaint, US District Court for the District of Delaware, Civil Action No. 04-350, Reliant Pharmaceuticals v. Abbott Laboratories et al (June 1, 2004).	
0/2		Declaration under 37 CFR 1.132 by Pascale Bloquin filed in US Application No. 09/899,026 on March 7, 2005.	•
		Laboratoires Fournier's Lab Notebook No. 1 (attached as Exhibit 1 (French) and Exhibit 3 (English translation) to the 132 Declaration by Bloquin).	7
		Exhibit 4 (English translation) to the 132 Declaration by Bloquin). NO DATE	7
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		First Named Inventor	Stamm
STA	TEMENT BY APPLICANT	Art Unit	1615
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Sheet 6	of 9	Attomey Docket Number	224620

				DOCUMENTS	
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
A)	 	Number-Kind Code ² (Firewrit		-	1,82,52,475
$\mathcal{U}X$		^{US-} 6,027,747	02-22-2000	Terracol et al	
(-		^{US-} 5,633,015	05-27-1997	Gillis et al	
		US-5,145,684	09-08-1992	Liversidge et al	
		^{US-} 4,629,624	12-16-1986	Grouiller et al	
		^{US-} 4,344,934	08-17-1982	Martin et al	
		^{US-} 2005/0032878 A1	02-10-2005	Deboeck et al	
		^{US-} 4,961,890	10-09-1990	Boyer	
		^{US-} 6,159,499	12-12-2000	Seth	
		^{US-} 6,207,198	03-27-2001	Seth	
		^{US-} 6,248,355	06-19-2001	Seth	
		^{US-} 4,795,643	01-03-1989	Seth	
		^{US-} 5,824,341	10-20-1998	Seth et al	·
		^{US-} 6,096,341	08-01-2000	Seth	
		us- 6,033,686	03-07-2000	Seth	
		us- 6,048,547	04-11-2000	Seth et al	
		us- 6,117,453	09-12-2000	Seth et al	,
		^{US-} 6,348,469	02-19-2002	Seth	
1		^{US-} 4,463,743	03-13-1984	Schonafinger et al	
(XX		^{US-} 4,716,033	12-29-1987	Denick, Jr.	

			FORE	IGN PATENT DOCL	IMENTS		
	Examiner Initials*		Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	
			Country Code ³ "Number ⁴ "Kind Code ⁹ (if known)	MM-DD-YYYY			10
Q_{i}	B		CA 2,142,848	03-17-1994	Janssen Pharmaceuticals		
	1		CA 960,670	01-07-1975	Orchimed SA		
			WO 98/31360	07-23-1998	Pharma Pass		
			WO 97/12581	04-10-1997	Pharma Pass		
	k		CA 2,219,475	07-09-2002	Laboratoires Fournier		
	R	5	CA 2,372,576	02-10-2004	Laboratoires Fournier		

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			U. S. PATENT	DOCUMENTS	
Examiner Initials*	Cite No.1	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
Ma		Number-Kind Code ^{2 (Flanown)}	12 10 1005	Sebendings at al	
(A)		^{US-} 4,588,058	12-10-1985	Schonafinger et al	
4		^{US-} 4,957,746	09-18-1990	Valducci	
- 1		US- 4,806,361	02-21-1989	Harrison et al	
		US- 4,820,521	04-11-1989	Panoz et al	
		^{US-} 4,663,150	05-05-1987	Panoz et al	
	·	^{US-} 2,953,497	09-20-1960	Press	
—		US- 4,524,060	06-18-1985	Mughal et al	
\neg		US- 4,721,709	01-26-1988	Seth et al	
7.		^{US-} 5,073,379	12-17-1991	Klimesch et al	
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	FOREIGN PATENT DOCUMENTS							
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		Country Code ³ "Number ⁴ " Kind Code ⁸ (if known)	MM-DD-YYYY					
CVS		WO 96/21439	07-18-1996	Galephar PR Inc.	<u> </u>			
4		WO 03/013500	02-20-2003	Laboratoires SMB SA				
		EP 0 012 523	06-25-1980	American Home Products				
		WO 97/12580	04-10-1997	Pharma Pass		Ш		
		EP 0 179 583	04-30-1986	Merck & Co.	<u> </u>			
CVQ		EP 0 193 958	09-10-1986	PPG Industries, Inc.				

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Examiner Signature	Q	umora n. Drestil	Date Considered	7-24-06

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Substitute for form 1449/PTO	Cor	nplete if Known
	Application Number	10/665,5/8
INFORMATION DISCLOSURE	Filing Date	September 22, 2003
	First Named Inventor	Stamm
STATEMENT BY APPLICANT	Art Unit	1615
(Use as many sheets as necessary)	Examiner Name	Sheikh
Sheet 8 of 9	Attorney Docket Number	824620

			U.S. PATENT D	OCUMENTS	
Examiner Initials*	Cite No.1	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages of Relevant Figures Appear
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		FORE	IGN PATENT DOCL	MENTS		
Examiner Initials*	Cite No.	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages	
		Country Code ³ "Number * "Kind Code ⁵ (If known)	MM-DD-YYYY		Or Relevant Figures Appear	T°
(W)		WO 96/04892	02-22-1996	Pharma Pass		
		WO 98/31361	07-23-1998	Stamm et al		
		WO 96/01621	01-25-1996	Stubberud et al		
		WO 82/01649	05-27-1982	Laruelle		
2/0		EP 0 952 829	03-05-2003	Stamm et al		
Q/X		EP 0 761 208	03-12-1997	Duclos et al		

Examiner Date 7-24-06 Signature Considered

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			U. S. PATENT D	OCUMENTS	
Examiner Initials*	Cite No.1	'Document Number Number-Kind Code ^{2 (F Imment)}	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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Examiner initials*	Cite No.1	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages	
	/ Country Code ³ Number ⁴ Kind Code ³ (# km	Country Code ³ Number ⁴ "Kind Code ³ (<i>if known</i>)	MM-DD-YYYY	_	Or Relevant Figures Appear	70
028		EP 0 122 077	10-17-1984	Elan Corp.		
7		EP 0 164 959	12-18-1985	Sterwin AG		
		EP 0 168 360	01-15-1986	Valducci		
		EP 0 239 541	09-30-1987	Warner-Lambert Co.		
W		EP 0 256 933	02-24-1988	Ethypharm		
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Examiner Signature	unea M.	Shelles	Date Considered	7-24-06

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PTO/SB/08A (07-05) Approved for use through 07/31/2006. OMB 0651-0031

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Sheet 1

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known				
Application Number	10/665.518			
Filing Date	September 22, 2003			
First Named Inventor	Stamm			
Art Unit	1615			
Examiner Name	Sheikh			
Attorney Docket Number	224/22/			

Examiner	Çite	Dearmont Number	Publication Date	Name of Patentee or	Pages, Columns, Lines, Where
Initials*	No.1	Document Number	MM-DD-YYYY	Applicant of Cited Document	Relevant Passages or Relevant Figures Appear
		Number-Kind Code ^{2 (# known)}			Figures Appear
43		^{US-} 6,248,355	06-19-2001	Seth	<u> </u>
$\neg v_{\parallel}$		^{US-} 6,159,499	12-12-2000	Seth	
		^{US-} 6,207,198	03-27-2001	Seth	
		^{US-} 4,717,569	01-05-1988	Harrison et al	
as		^{US-} 5,783,215	07-21-1998	Arwidson et al	
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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.1	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages	
1		Country Code ³ "Number ⁴ "Kind Code ³ (if known)	MM-DD-YYYY		Or Relevant Figures Appear	1
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Substante for form 144	3/110		Application Number	10/665.518	
INFORMATION DISCLOSURE			Filing Date	September 22, 2003	
STATEMEN	STATEMENT BY APPLICANT		First Named Inventor	Stamm	
***			Art Unit	1615	
(Use as many sheets as necessary)			Examiner Name	Sheikh	
Sheet 2	of	2	Attorney Docket Number	224620	

		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²
0/8		Opposition to European Patent No. 1 273 293 filed 9-2-2005 by Ethypharm. (English Language Translation)	✓
		Laboratoires S.M.B. S.A. Report pages 1-4 (undated)	
0,8		Report from Pr. Rosset entitled "La biodisponibilite du fenofibrate et les polymeres hydrophiles," Pages 1-20 (March 1, 2005)	

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Examiner Signature	ali	mera M. Pheile	Date Considered	7-24-06

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